

UNITED STATES DISTRICT COURT

for the

JAN 23 2020

David J. Bradley, Clerk of Court

United States of America

v.

Charles Edward SIMPSON

Wilmar LAPOP

)

Case No.

C-20-267M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 22, 2020 in the county of Kenedy in theSouthern District of Texas, the defendant(s) violated:*Code Section*

8 United States Code 1324

Offense Description

Each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law.

This criminal complaint is based on these facts:

Continued on the attached sheet.



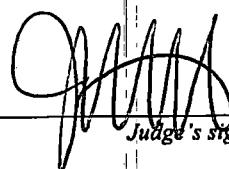
Complainant's signature

Mitchell Lundquist

Special Agent

Printed name and title

SWORN TO AND SUBSCRIBED TO ME ON THIS January 23, 2020



Judge's signature

Julie K. Hampton, U.S. Magistrate Judge

Printed name and title

City and state: Corpus Christi, Texas

AFFIDAVIT

On January 22, 2020, at approximately 11:20 AM, Kleberg County Attorney's Task Force Special Agents (SAs) Gonzalez and McGee approached a vehicle at the Stripes Truck stop in Rivera, Texas in regards to a possible BOLO of a white Isuzu box truck bearing John Deere logos possibly being used for human smuggling. The truck was parked at a gas pump within Stripes Truck stop.

Due to prior experiences where human smugglers have hurt undocumented persons while attempting to flee law enforcement; Kleberg County Attorney's Task Force Special Agents decided to approach the vehicle at the Stripes Truck Stop while it was pumping gas instead of performing a traffic stop for an obvious traffic violation, not having a rear license plate. SA Gonzalez parked at the gas pump directly in front of the vehicle and could see Wilmar Domingo LAPOP sitting in the passenger side of the vehicle. SA McGee parked behind the vehicle and began speaking with Charles Edward SIMPSON who was pumping fuel.

SA Gonzalez exited his patrol unit and asked LAPOP to exit the vehicle with hand gestures. SA Gonzalez asked LAPOP if he could see his I.D., which LAPOP handed to him voluntarily. SA Gonzalez asked LAPOP what they were hauling. LAPOP stated he did not know what they were hauling. LAPOP then stated they were hauling packages. SA Gonzalez asked LAPOP if there were any people in the back of the vehicle, to which LAPOP said "I don't know."

SA McGee approached Charles SIMPSON who was standing outside the vehicle pumping gas. SA McGee informed SIMPSON that he did not have a license plate on the back of the vehicle. SA McGee stated that while speaking with SIMPSON he noticed that SIMPSON was overly nervous and displayed deceptive behavior when asked about his trip, employer, and his cargo. SA McGee noticed a brand-new lock on the back door and asked SIMPSON who has the key to the truck, to which SIMPSON stated, "the guy at the warehouse." SIMPSON also stated that he does not watch the truck get loaded.

Kleberg County Sheriff's Office Deputy Wright arrived on scene and asked SIMPSON as to the whereabouts of the keys to open the back of the vehicle which had a lock on it. SIMPSON told Deputy Wright the keys were in his front left pocket. After retrieving the keys Deputy Wright handed them to SA Gonzalez. SA Gonzalez then asked SIMPSON if he gave him consent to search the vehicle, and SIMPSON consented.

Deputies and Officers on scene then opened the box truck and immediately observed cardboard boxes which after tapping them discovered to be empty. SA Gonzalez could here movement behind the cardboard boxes. The cardboard boxes were removed, and SA Gonzalez got onto the box truck. SA Gonzalez observed eleven people laying down behind the cardboard boxes.

United States Border Patrol agents arrived on scene and determined that all eleven individuals found in the back of the white box truck were currently present in the United States illegally. Of the eleven individuals found, four are citizens of Mexico, three are citizens of Honduras, two are citizens of Ecuador, one is a citizen of the Dominican Republic, and one is a citizen of the Peoples Republic of China. SIMPSON, LAPOP, and the eleven individuals were all turned over to the custody of the United States Border Patrol and transported to the Kingsville, Texas Border Patrol station.

Homeland Security Investigations (HSI) from Corpus Christi, Texas responded to the Border Patrol Station in Kingsville, Texas.

Charles SIMPSON was read his Miranda Rights via ICE Form 73-025 by HSI SAs Lundquist and Brem and SIMPSON signed the form indicating he understood his rights and was willing to make a statement without a lawyer present.

SIMPSON stated he was hired by an individual to drive the white box truck, from Houston, Texas to a location off Minnesota Street in McAllen, Texas and back to a parking lot in Houston, Texas. SIMPSON stated that this was his fifth trip and he makes \$1500 each trip. SIMPSON stated Wilmar LAPOP has rode with SIMPSON multiple times and receives payment for riding with SIMPSON. SIMPSON stated he dropped LAPOP off at a motel in Rivera, Texas because LAPOP is brown and that SIMPSON is white which would be less suspicious for SIMPSON to travel alone through the Border Patrol checkpoint.

Wilmar LAPOP was read his Miranda Rights via ICE Form 73-025 by HSI SAs Lundquist and Brem and LAPOP signed the form indicating he understood his rights and was willing to make a statement without a lawyer present.

LAPOP stated he gets paid to ride with SIMPSON on his trips to help keep him awake and act as a translator for SIMPSON when needed. LAPOP stated he makes \$200 each trip he takes with SIMPSON. LAPOP stated he has made four to five trips with SIMPSON before. LAPOP admitted that he knew the trips were associated to alien smuggling.

Gladys Victoria AVILA CONTRERAS (hereinafter AVILA), a material witness and citizen of Ecuador, stated she agreed to pay a total of \$8,000 USD to be smuggled to her destination of New York. AVILA admitted to illegally entering the United States approximately 20 days prior somewhere near Reynosa, Mexico. After her illegal entry, AVILA was transported to a house where she remained 3 days or more; AVILA was the only person there. On January 21, 2020, AVILA was transported by an unidentified female smuggler to a second house where there were other aliens present. In the early morning hours of January 22, 2020, the same unidentified female smuggler arrived at the house and informed the group that they were going to be picked up. The female smuggler instructed the group of aliens to get inside the box truck they were arrested in. AVILA stated that after leaving the house she felt one short stop—approximately 6 minutes. The truck proceeded, came to another stop and that is when AVILA and the group of aliens were discovered. AVILA identified Charles SIMPSON from a photo spread presented. AVILA stated that SIMPSON had picked them up that morning (January 22, 2020). According to AVILA, SIMPSON was standing next to the truck when the group of aliens was boarding the truck.

Michelle Andreina UZHO GUARACA (hereinafter UZHO), a material witness and citizen of Ecuador, stated she travelled to Reynosa, Tamaulipas, Mexico and stayed at an unknown stash house for several days until they were ready to cross the river into the United States. UZHO stated she illegally crossed the Rio Grande River into the United States on or about January 17, 2020 and was taken to an unknown stash house where she stayed for about 5 days. UZHO stated she was then picked up by a female and taken to another stash house where she stayed for the night. UZHO stated she was one of the last people to arrive at the last stash house. UZHO stated the same female took them food and told them to wake up early around 8 a.m. to get ready to leave. UZHO stated she was told to wait in a line while the box truck arrived to transport them north. UZHO stated when the truck arrived, it backed up to the house and the females of the group were told by the woman to get in the front of the line. UZHO stated an unknown

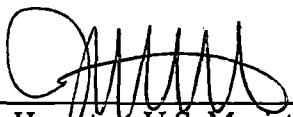
male got out of the driver's seat and opened the back door of the box truck. UZHO stated he had long hair and then got back in the driver's seat. UZHO stated the next time she saw him was when they were arrested. UZHO stated the female was standing next to the male and the female instructed them to get into the box truck and be quiet. UZHO was shown a photo lineup and identified Charles Edward SIMPSON as the person who opened the back door of the box truck.

AUSA Yifei Zheng was notified of these facts and agreed to prosecute SIMPSON and LAPOP for violation of Title 8 USC 1324. Gladys Victoria AVILA CONTRERAS and Michelle Andreina UZHO GUARACA were held as Material Witnesses.



Mitchell Lundquist
Homeland Security Investigations
Special Agent

Subscribed and sworn to before me
on January 23, 2020



Julie K. Hampton, U.S. Magistrate Judge